

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

Plaintiff

-v-

THE PREMISES AND REAL PROPERTY WITH
BUILDINGS, APPURTENANCES, AND
IMPROVEMENTS AT 540 RANSOM ROAD
AND 544 RANSOM ROAD, LANCASTER, NEW
YORK, THAT IS, ALL THAT TRACT OR
PARCEL OF LAND, SITUATE IN THE TOWN
OF LANCASTER, COUNTY OF ERIE, AND
STATE OF NEW YORK, AND MORE
PARTICULARLY DESCRIBED IN A CERTAIN
DEED RECORDED IN THE ERIE COUNTY
CLERK'S OFFICE IN LIBER 11089 OF
DEEDS AT PAGE 739,

06-CV-154S

Defendant

ORDER FOR INTERLOCUTORY SALE

Upon the application of the plaintiff in this action pursuant to Rule E(9) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Title 19, United States Code, Section 1612(a) and Title 18, United States Code, Section 983(j), said motion being joined in by claimant, Alden State Bank, and Plymouth Park Tax Services, LLC, and no response in opposition being received from claimant Leonard Batog, and after full and careful consideration of the plaintiff's motion, and all prior pleadings and proceedings in this matter, it is hereby

ORDERED, that the plaintiff's Motion for Interlocutory Sale is hereby granted; and it is further

ORDERED, that the United States Marshals Service shall seize and assume custody of 540-544 Ransom Road, Lancaster, New York, as more fully described in the attached Exhibit A for the purpose of selling and disposing of the defendant real property in accordance with law; and it is further

ORDERED, that the claimant, Leonard Batog, shall execute all necessary documents as required by the United States Marshals Service, including a warranty deed, New York State Capital Gains Tax Affidavit (TP-584), and New York State Real Property Transfer Report (RP-5217), to transfer clear title to a bona fide purchaser for value; and it is further

ORDERED, that after deducting from the sale proceeds its lawful costs and expenses relating to its custody, maintenance and sale of the defendant real property, and after paying from the proceeds, the principal and interest on a judgment held by Plymouth Park Services, LLC,, the principal and interest due on a mortgage held by Alden State Bank, and any outstanding real property taxes, the United States Marshals Service shall hold the remainder of the sale proceeds in its Seized Assets Deposit Fund as substitute res in this forfeiture litigation until the conclusion of this

litigation and upon further order of the Court; and it is further

ORDERED, that the United States Marshals Service shall retain custody of the defendant real property until it is sold.

DATED: Buffalo, New York, August 13, 2006.

/s/William M. Skretny
HONORABLE WILLIAM M. SKRETNY
UNITED STATES DISTRICT JUDGE

All that tract or parcel of land, situate in the Town of Lancaster, County of Erie and State of New York, being parts of Lot Number 7, Section 1, Township 11, Range 6 of the Holland Land Company's Survey and further distinguished as Subdivision Lot Number 4 and parcel marked "Exception" lying between Subdivision Lots Numbers 3 and 4 as shown on a map filed in the Erie County Clerk's Office under Cover Number 2074, being the same premises as described in a deed recorded in the Erie County Clerk's Office at Liber 10149 of Deeds at page 236.

Exhibit "A"